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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/425,022 04/19/95 BERTENSHAW

S 5400/2

EXAMINER
DENTZ, B

15M2/0318

G D SEARLE AND COMPANY
CORPORATE PATENT LAW DEPARTMENT
P O BOX 5110
CHICAGO IL 60680-9889

ART UNIT PAPER NUMBER

1203

DATE MAILED: 03/18/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☒ *Reference*

Part II SUMMARY OF ACTION

1. ☒ Claims 1-35-46 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-35-46 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

ACTION

Art Unit: 1203

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1 and 35-46, drawn to furans, classified in Class 549, subclass 502 e.g..

II. Claim 1, drawn to thiophenes, classified in Class 549, subclass 74 e.g..

III. Claim 1, drawn to pyrroles, classified in Class 548, subclass 562 e.g.

The inventions are distinct, each from the other because of the following reasons:

The different hetero systems would support separate patents.

Via the presentation of a set of claims to furans Gp. I is deemed to be constructively elected.

Claims 1 and 35-46 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ducharme et al, U.S. Patent 5,474,995. It discloses the instant cpds. for the same anti-inflammatory activity. Ex.11 is the same cpd. as instant claim 46. Ex.9, e.g. and the claims of the patent are drawn to the instant lactone

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Art Unit: 1203

embodiment which is the tautomeric equivalent of cpds. of the first structural formula of claim 1 where X is OH.

Any inquiry concerning this communication should be directed to Examiner B. Dentz at telephone number (703) 308-4544.

Dentz:tcj
March 11, 1996



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PRIMARY EXAMINER
GROUP 1200